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COMMISSION ON HUMAN RIGHTS
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Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGRETATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the Lawyers Committee for Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[7 August 1992]

1. Gross and systematic human rights violations in Haiti have escalated in the last few months and merit immediate attention from the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The Lawyers Committee for Human Rights sent a fact-finding mission to Haiti from 1 to 10 May 1992 and found that the human rights situation was dire.

2. The Haitian armed forces and their civilian allies have violated the most fundamental rights, including the right to life, and the rights of free expression, association and assembly. Torture and mistreatment, illegal

arrests and detention have become routine. We found that the military repression is so severe that many Haitians are in hiding. Most Haitians who met with the Lawyers Committee delegation requested that their names not be used in any public document. This was especially true in rural areas where the return of the rural police known as the "section chiefs", who are part of the Haitian military hierarchy and who have private militias and secret detention centres, rule with virtual impunity.

3. Those charged with monitoring rights violations and defending people who have criticized the military coup are especially at risk. Members of human rights organizations have had to go into hiding. Soldiers have attacked rural self-help organizations' offices, destroying equipment, stealing goods and forcing the officers and members to flee. These organizations were often a key source of information on violations in rural Haiti where approximately 75 per cent of the population live. Priests and nuns, another source of information and an important, sometimes moderating, presence in isolated areas, have been arrested, beaten and forced to abandon their assignments. The few remaining human rights lawyers face death threats and other forms of intimidation simply for their legal work on behalf of unpopular clients or for their efforts to promote human rights.

4. The Haitian armed forces have targeted the following human rights advocates in recent months:

(a) On Saturday, 6 June 1992, Father Gilles Danroc, a French priest, held a special catechism class in the small town of La Chapelle to prepare for Pentecost Sunday which was the following day. Just after the class began at approximately 10.00 a.m., two soldiers armed with rifles and revolvers arrived and told Father Danroc that he was holding an "illegal" meeting and that everyone was under arrest. The soldiers had no arrest warrants. There were 14 Haitian students in the class, including one 17-year-old girl who was pregnant. The soldiers handcuffed Father Danroc and the students and held them for two days. Soldiers beat seven of the students, including the pregnant girl. Father Danroc left Haiti for France on 9 June;

(b) At approximately 9.00 a.m. on 1 June 1992, army officers arrested Haitian priest Father Denis Verdier in the south-western city of Les Cayes. At the same time, soldiers arrested other priests who work in a local development project run by CARITAS in Les Cayes. Father Verdier had actively gathered information about human rights violations in the south-west and had received numerous death threats. He had been living in the Bishop's residence in Les Cayes. Soldiers broke into the Bishop's residence the same day; they searched the whole house although they had no search warrant and they threatened the occupants. All those arrested were taken to the military barracks in the centre of the city. Father Verdier was held for one week without ever being charged with a crime and without having access to a lawyer. He was reportedly shoved and hit on his feet and back, but apparently was not tortured;

(c) Lawyer Paul Yves Joseph is a human rights lawyer who lives in the south-western city of Les Cayes. He has been active in teaching human rights and basic legal issues to paralegals in the region. He gives free legal help to the poor and has represented people who have been illegally arrested. In early May 1992, armed soldiers came to Mr. Joseph's house and threatened him.

He refused to allow them to enter since they did not have a search warrant. Soldiers returned to Mr. Joseph's house on Saturday morning, 30 May 1992. Mr. Joseph and his family were downtown shopping at the time. The soldiers broke into the house and ransacked it thoroughly. Papers from his law office and school were destroyed or thrown into the street. Neighbours warned Mr. Joseph that the army had come to his house and that he should not return home. Mrs. Joseph and their two children immediately went into hiding in a neighbour's house. Mr. Joseph fled to the nearby hills where he remained in hiding until he was able to make his way safely to Port-au-Prince where he is now in hiding;

(d) On 29 April 1992 René Julien, a lawyer, attempted to see his client, Sister Clemencia, who had been illegally arrested and detained for five days for possessing calendars with President Aristide's picture. While at the public prosecutor's office, Mr. Julien was threatened with arrest, verbally assaulted and ultimately denied access to his client;

(e) Further, Camille Leblanc, Mr. Julien's partner, was representing Jean Paul Mario, a journalist who had been illegally arrested, detained for six months and tortured, and attempting to secure Mr. Mario's release from prison. Despite having a court order for the prisoner's release, the military personnel at the Petit Goave prison refused to release Mr. Mario saying they were in charge of the prison and not the judge. Following this, Mr. Leblanc received numerous death threats over the phone and believes he is being followed. In addition, Mr. Leblanc had received numerous threats in November 1991 for his work in defending university students and in attempting to have Manno Charlemagne, a popular singer known as a strong supporter of President Aristide, released from prison.

5. The Lawyers Committee interviewed each of the people mentioned above during its May fact-finding mission. The Haitian armed forces' specific targeting of human rights advocates like Father Danroc, Father Verdier and lawyers Paul Yves Joseph, René Julien and Camille Leblanc shows that the human rights situation has entered a dangerous new phase. The Lawyers Committee requests the Sub-Commission to call on the de facto Haitian Government to:

(a) End all human rights violations, especially extrajudicial executions, torture or other cruel, inhuman or degrading treatment or punishment, illegal arrests and detention, violations of the freedoms of expression, association and assembly, and attacks on human rights advocates and lawyers;

(b) Ensure full compliance with Haiti's obligations under the International Covenant on Civil and Political Rights which it ratified on 6 February 1991;

(c) Begin immediately investigations into all human rights violations and prosecute and punish those found culpable for these violations;

(d) Close all secret prisons or detention facilities and guarantee access to officials from the International Committee of the Red Cross to all prisons and detention centres.